

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.34123 of 2018

G.Rajasekaran

... Petitioner

Vs.

1.The Special Deputy Collector,  
(Land Acquisition)  
Tamil Nadu Urban Development Scheme III  
Poonamallee, Chennai.

2.The Secretary to Government,  
Highways Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai - 600 009.

... Respondent

**PRAYER :** Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to pay Interim compensation at the rate of Rs.5000/- per sq.ft. as per the guideline value prevailed as on 01.04.2012 in respect of land measuring 52 sq. Mts comprised in Survey No.9/2 Award passed in Award No.7/2019 dated 31.07.2017 in Serial No.5, by the first respondent.

For Petitioner : Mr.V.P.Rajendran  
For Respondents : Mr.D.Raja  
Additional Government Pleader

### **ORDER**

This writ petition has been filed seeking a direction to the respondents to pay the interim compensation at the rate of Rs.5,000/- per sq.ft. as per the guideline value prevailed as on 01.04.2012.

2.The grievance of the petitioner is that the petitioner's land sought to have been acquired under the Tamil Nadu Highways Act. An interim Award has also been passed subsequently and while passing the same, the market value of the property was not correctly taken into consideration by the Land Acquisition Officer and he has only fixed the lesser market value of the property. In the above circumstances, the present writ petition is filed.

3.Admittedly, it is only an interim award and final award is yet to be passed. It is also submitted that the petitioner has already received the entire interim amount of compensation. The learned counsel

appearing for the respondents would submit that the final Award will be passed within three months.

4. In the above circumstances, since it is only an interim award and the grievance of the petitioner relates to only fixing the market value of the property, it is always open to the petitioner to raise his objections after the final award has been passed in the land acquisition proceedings by way of seeking reference under the Act. Hence, the prayer sought for by the petitioner cannot be granted at this stage and accordingly, this writ petition is dismissed. No costs. If the petitioner has any grievance on fixing the market value, it is always open to the petitioner to make necessary application after the final award being passed in the land acquisition proceedings.

सत्यमेव जयते

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21.01.2019

Index:Yes/No

Internet:Yes

Speaking/Non-speaking order

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To

1.The Special Deputy Collector,  
(Land Acquisition)  
Tamil Nadu Urban Development Scheme III  
Poonamallee, Chennai.

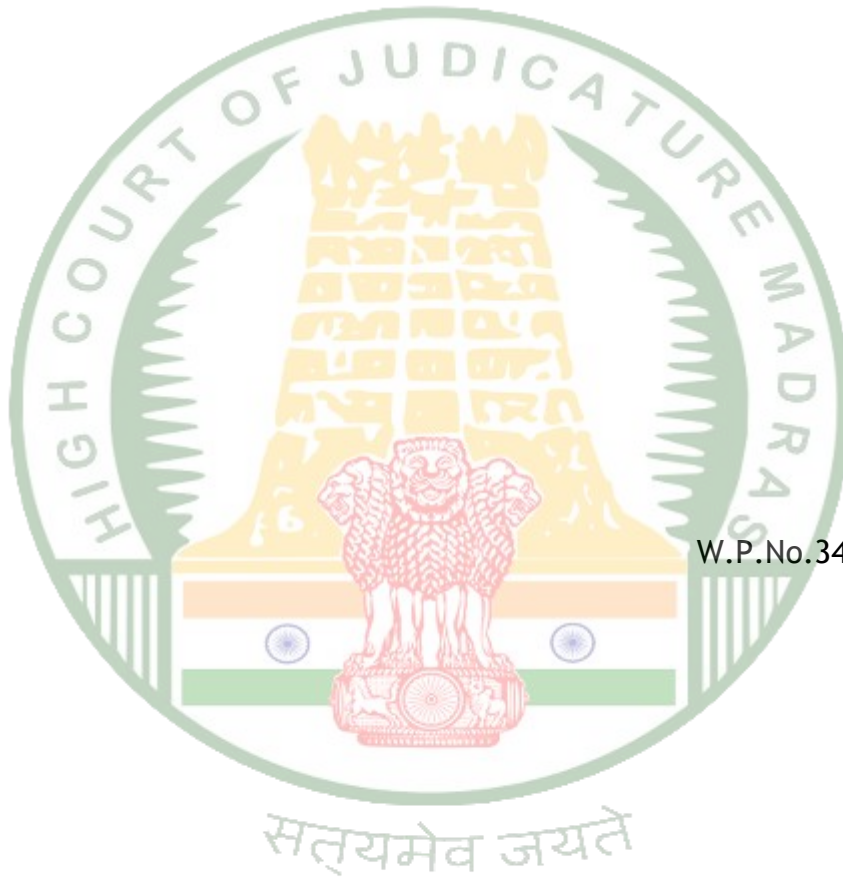
2.The Secretary to Government,  
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V.BHARATHIDASAN, J

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